

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                                    |   |                      |
|------------------------------------|---|----------------------|
| TRUSTEES OF THE SUBURBAN TEAMSTERS | ) |                      |
| OF NORTHERN ILLINOIS PENSION FUND, | ) |                      |
|                                    | ) |                      |
| Plaintiff,                         | ) |                      |
|                                    | ) | No. 08 C 2983        |
| v.                                 | ) |                      |
|                                    | ) | Judge Guzman         |
| THIELE TRANSPORT, INC.,            | ) |                      |
| an Illinois corporation and        | ) | Magistrate Judge Cox |
| MEGAN K. THIELE, Individually,     | ) |                      |
|                                    | ) |                      |
| Defendants.                        | ) |                      |

**MOTION FOR JUDGMENT IN SUM CERTAIN  
AND ORDER COMPELLING PRODUCTION OF RECORDS**

NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUND, by and through its attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and pursuant to FRCP 55 move for entry of a default judgment in sum certain as stated in this Complaint and the supporting Affidavits attached hereto. In support of its Motion, Plaintiffs state as follows:

1. Suit was filed on June 9, 2008 for collection of delinquent contributions, attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2).
2. Corporate service was made upon THIELE TRANSPORT, INC., an Illinois corporation on May 28, 2008 and a copy of the proof of service was filed with the court on June 4, 2008.
3. On January 13, 2009 an Amended Complaint was filed to add an additional Defendant, MEGAN K. THIELE, Individually.
4. Service was made upon MEGAN K. THIELE, Individually on February 5, 2009, and a copy of the proof of service was filed with the court on February 11, 2009.

5. On July 10, 2008, MEGAN K. THIELE, Individually and as President of Thiele Transport, Inc. entered into a Pension Fund installment note for \$6,164.97 (Exhibit A). Two installment note payments have made through August 30, 2008. There remains a balance due the Pension Fund of \$4,291.23 (Exhibit B).

7. Defendants are now in default as to the Complaint and as supported by the attached Affidavits the sums due are:

\$4,291.23 Pension  
\$925.00 Attorneys fees  
\$524.00 Court costs  
\$5,740.23

WHEREFORE, Plaintiff prays for the entry of judgment against Defendants, THIELE TRANSPORT, INC., an Illinois corporation and MEGAN K. THIELE, Individually, jointly and severally, and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS as follows:

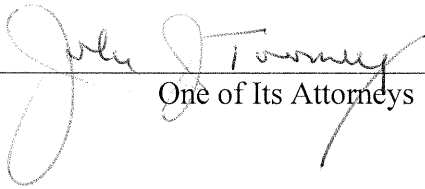
1. Entry of judgment against Defendant, BEST ENVIRONMENTAL, INC., an Illinois corporation, and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS in the amount of \$5,740.23.

2. Order Defendant to produce its books and records to Plaintiffs' accountant within 21 days, to perform an audit for the period April 1, 2008 through the present time.

3. Grant Plaintiffs any other relief deemed equitable and just under the circumstances.

TRUSTEES OF THE SUBURBAN TEAMSTERS  
OF NORTHERN ILLINOIS WELFARE AND  
PENSION FUNDS

By:

  
\_\_\_\_\_  
One of Its Attorneys

JOHN J. TOOMEY  
ARNOLD AND KADJAN  
19 W. Jackson Boulevard  
Chicago, Illinois 60604  
(312) 236-0415

# **EXHIBIT A**

**SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS FRINGE BENEFITS**

**Thiele Transport, Inc. : Pension Fund**

**June 30, 2008**

For value received, the undersigned promises to pay to the order of Suburban Teamsters of Northern Illinois **Pension Fund** the principal total of \$ 6,164.97 ( **Six Thousand One Hundred Sixty Four and 97/100** dollars.)

The maker of this Note acknowledges that the above indebtedness represents fringe benefit contributions and other costs and charges due and owing pursuant to applicable provisions of the Employee Retirement Income and Security Act 29 U.S.C. 1145. For contributions due for the period October, 2006 through March, 2008.

The Employer shall make a **down payment** of \$ **1,541.24** on June 30, 2008, leaving a principal **balance** of \$ **4,623.73**. That balance is to be paid with 10% annual interest in **12** equal and consecutive monthly **installments** of \$ **406.50** beginning on July 30, 2008. Payments should be sent to:

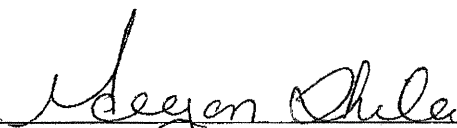
Suburban Teamsters of Northern Illinois  
1171 Commerce Dr. Unit 1  
West Chicago, IL 60185

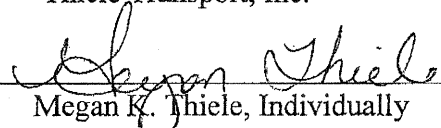
Or such other place as may be directed by the legal holder of this Note.

**The Employer is to remain current in regular monthly contributions.** Failure to do so will be considered a default, causing the remaining unpaid Note balance to become immediately due and payable.

The undersigned hereby irrevocably authorizes any attorney of any court of record to appear for the undersigned in such court, in term time or vacation, at any time after default in the payment of any installment of the principal hereof, and confess judgment without process in favor of the payee or holder of this Note for the unpaid amount, together with costs of collection including reasonable attorney's fees, and to waive and release all errors which may intervene in such proceedings, and consent to immediate execution upon such judgment, hereby ratifying and confirming all that said attorney may do by virtue hereof.

All parties hereto severally waive presentment for payment, notice of dishonor and protest.

By:  Date: 7/10/08  
Megan K. Thiele, President  
Thiele Transport, Inc.

 Date: 7/10/08  
Megan K. Thiele, Individually

# **EXHIBIT B**

**Thiele Transport, Inc.**

Er # 4670

**Pension Fund**

PRINCIPAL TOTAL: \$ (6,164.97)

DOWN PYMT: \$1,541.24

Date: June 30, 2008

Ck #:

PRINC BALANCE: \$ (4,623.73)

NMBR PYMNTS: 12

MONTHLY PYMT: \$406.50 /month

PAY THIS... OR THIS

AFTER REGULAR PAYMENT

Payments Made

|    | Date DUE | NOTE<br>BALANCE | PEN PYMNT | PRINC PD | CURRENT<br>PRINC BAL |    | Date | Check # |
|----|----------|-----------------|-----------|----------|----------------------|----|------|---------|
| 1  | 07/30/08 | 4,662.26        | 406.50    | 367.97   | 4,255.76             | 1  | 7/30 |         |
| 2  | 08/30/08 | 4,291.23        | 406.50    | 371.04   | 3,884.73             | 2  | 8/30 |         |
| 3  | 09/30/08 | 3,917.10        | 406.50    | 374.13   | 3,510.60             | 3  |      |         |
| 4  | 10/30/08 | 3,539.85        | 406.50    | 377.24   | 3,133.35             | 4  |      |         |
| 5  | 11/30/08 | 3,159.47        | 406.50    | 380.39   | 2,752.97             | 5  |      |         |
| 6  | 12/30/08 | 2,775.91        | 406.50    | 383.56   | 2,369.41             | 6  |      |         |
| 7  | 01/30/09 | 2,389.15        | 406.50    | 386.75   | 1,982.65             | 7  |      |         |
| 8  | 02/28/09 | 1,999.18        | 406.50    | 389.98   | 1,592.68             | 8  |      |         |
| 9  | 03/30/09 | 1,605.95        | 406.50    | 393.23   | 1,199.45             | 9  |      |         |
| 10 | 04/30/09 | 1,209.45        | 406.50    | 396.50   | 802.95               | 10 |      |         |
| 11 | 05/30/09 | 809.64          | 406.50    | 399.81   | 403.14               | 11 |      |         |
| 12 | 06/30/09 | 406.50          | 406.50    | 403.14   | (0.00)               | 12 |      |         |